

EXHIBIT J

ANTHONY MONTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCO

January 07, 2022
1-4

<p style="text-align: center;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE</p> <p>3 NORTHERN DISTRICT OF CALIFORNIA</p> <p>4</p> <p>5 FREDERICK (RIC) SCHIFF, et al.,</p> <p>6 Plaintiff,</p> <p>7 vs. No. 4:19-cv-03260-YGR</p> <p>8 CITY and COUNTY of</p> <p>9 SAN FRANCISCO, et al.,</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 * CONFIDENTIAL *</p> <p>15 VIDEOCONFERENCE DEPOSITION OF</p> <p>16 ANTHONY MONTOYA</p> <p>17 Friday, January 7, 2022</p> <p>18 2:01 p.m. - 2:44 p.m.</p> <p>19 Volume 1</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 JODI L. BOSETTI, CSR No. 11316, RPR</p> <p>25</p>	<p style="text-align: center;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS EXAMINATION</p> <p>4 ANTHONY MONTOYA</p> <p>Volume 1</p> <p>5</p> <p>6</p> <p>7 BY MR. MULLANAX 4, 33</p> <p>8 BY MR. COWMAN 20</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 DEPOSITION PAGE</p> <p>12 Exhibit A First three pages of the POA 20</p> <p>Journal from December of 2017</p> <p>13</p> <p>14 Exhibit 2 Article written by Anthony Montoya 33</p> <p>15 in the December 2019 POA Journal</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 For Plaintiffs Frederick (Ric) Schiff, et al.:</p> <p>4 M GREG MULLANAX LAW OFFICE</p> <p>BY: M. GREG MULLANAX</p> <p>5 Attorney at Law</p> <p>2140 N. Winery Avenue, Suite 101</p> <p>6 Fresno, California 93703</p> <p>(559) 420-1222</p> <p>7 greg@lawmgm.com</p> <p>8</p> <p>9 For Defendant City and County of San Francisco:</p> <p>10 OFFICE OF CITY ATTORNEY DENNIS HERRERA</p> <p>BY: PETER A. COWAN</p> <p>11 Deputy City Attorney</p> <p>1390 Market Street, 5th Floor</p> <p>12 San Francisco, California 94102</p> <p>(415) 554-4700</p> <p>13 peter.cowan@sfcityatty.org</p> <p>14</p> <p>15 For San Francisco POA:</p> <p>16 RAINS LUCIA STERN ST. PHALLE & SILVER, PC</p> <p>BY: ROCKNE A. LUCIA, JR.</p> <p>17 Attorney at Law</p> <p>2300 Contra Costa Boulevard, Suite 500</p> <p>18 Pleasant Hill, California 94523</p> <p>(925) 609-1699</p> <p>19 rlucia@rlslawyers.com</p> <p>20</p> <p>21 Also Present:</p> <p>22 RIC SCHIFF</p> <p>DAN KELLY</p> <p>23 CLAYTON HARMSTON</p> <p>DAVID O'KEEFE</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 4</p> <p>1 Videoconference, Friday, January 7, 2022</p> <p>2 2:01 p.m. - 2:44 p.m.</p> <p>3</p> <p>4 ANTHONY MONTOYA,</p> <p>5 having been administered an oath, was examined and</p> <p>6 testified as follows:</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. MULLANAX:</p> <p>10 Q Mr. Montoya, could you state your full name</p> <p>11 for the record, please.</p> <p>12 A Yeah. Anthony Michael Montoya,</p> <p>13 M-O-N-T-O-Y-A.</p> <p>14 Q And you're currently employed by the San</p> <p>15 Francisco Police Department, are you not?</p> <p>16 A Correct.</p> <p>17 Q And what is your current rank?</p> <p>18 A I'm a sergeant of police.</p> <p>19 Q Okay. Sergeant Montoya, thank you for your</p> <p>20 appearance here today. I don't think we'll be here</p> <p>21 very long, but I want to go over a couple of ground</p> <p>22 rules with you before we get started.</p> <p>23 My name is Greg Mullanax and I represent the</p> <p>24 plaintiffs in this Schiff versus City and County of</p> <p>25 San Francisco case regarding the promotions that were</p>



800.211.DEPO (3376)
EsquireSolutions.com

ANTHONY MONTTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCO

January 07, 2022

5-8

<p style="text-align: right;">Page 5</p> <p>1 made back after Chief Scott got here, or maybe one of 2 them was before he got here, but from 2017, basically, 3 to 2019.</p> <p>4 So we want to take your deposition. And the 5 main thing to remember in your deposition today is 6 that your testimony today is under oath just as if you 7 were testifying in a court before a judge and a jury. 8 Do you understand that?</p> <p>9 A Yes.</p> <p>10 Q Okay. And it looks like someone is trying to 11 connect.</p> <p>12 And, also, Sergeant Montoya, if I ask a 13 question and you don't understand it, please let me 14 know and I'll be happy to reask it. Do you agree to 15 do that?</p> <p>16 A Yes.</p> <p>17 Q Okay. And also, in the deposition today, I 18 just want to find out what you know and I'm not going 19 to ask you to speculate or anything. So if I ask you 20 a question that requires you to speculate or you don't 21 have any personal knowledge of it, just please let us 22 know.</p> <p>23 And, also, if you want to take a break for 24 any reason, please let us know and we will stop and 25 take a break. Is that okay?</p>	<p style="text-align: right;">Page 7</p> <p>1 Q And we'll call it the SFPOA. But what is the 2 SFPOA?</p> <p>3 A It is the union that represents the rank and 4 file members of the San Francisco Police Department. 5 We represent officers all the way up to the rank of 6 captain.</p> <p>7 Q Okay. And then when did you become president 8 of the POA?</p> <p>9 A February of 2018.</p> <p>10 Q And did you have a leadership position in the 11 POA back in November of 2017?</p> <p>12 A Yes.</p> <p>13 Q And what was that position?</p> <p>14 A I was the vice president.</p> <p>15 Q Okay. I'm going to ask you a little bit 16 about your duties. What are your duties with the POA 17 in your position when you were vice president?</p> <p>18 A Really to kind of assist the president in the 19 day-to-day operations. The vice president doesn't 20 have full-time release like a president does, so I 21 maintained my patrol duties within the police 22 department. So I was kind of a conduit from patrol to 23 the president and back and forth.</p> <p>24 Q Okay. And in your position as president, 25 what are your duties?</p>
<p style="text-align: right;">Page 6</p> <p>1 A Yes.</p> <p>2 Q Okay. First of all, I'll just ask you some 3 brief background. When did you join the San Francisco 4 Police Department?</p> <p>5 MR. LUCIA: Hold on. There's somebody on the 6 call and I don't know who that is. Could we just 7 figure that out?</p> <p>8 MR. MULLANAX: Sure.</p> <p>9 MR. LUCIA: It says "iPhone."</p> <p>10 MR. COWNAN: That's Ric Schiff.</p> <p>11 MR. LUCIA: Oh, is it. Okay. All right.</p> <p>12 MR. MULLANAX: Is that everybody, Clayton and 13 Ric?</p> <p>14 MR. COWNAN: Yeah.</p> <p>15 BY MR. MULLANAX:</p> <p>16 Q Sergeant Montoya, I was going to ask you, 17 when did you first start with the San Francisco Police 18 Department?</p> <p>19 A September of 1994.</p> <p>20 Q And have you been with the police department 21 ever since?</p> <p>22 A Yes.</p> <p>23 Q And are you currently the president of the 24 San Francisco Police Officers Association?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 A As president, I'm responsible for the 2 day-to-day operations of the association, supervising 3 and monitoring POA staff, attending meet and confers 4 with the City, just all kinds of general union duties 5 are my position.</p> <p>6 Q Now, is that a full-time position?</p> <p>7 A Yes, I have a full-time release from the 8 police department to the association.</p> <p>9 Q Okay. Now, back in -- I want to take your 10 attention back to 2017. Around January 2017, is it 11 your recollection that was about the time that Chief 12 Scott was appointed chief of the San Francisco Police 13 Department?</p> <p>14 A Yeah, I believe he was named chief in 15 January, but didn't like take over until March, I 16 believe --</p> <p>17 Q Okay.</p> <p>18 A -- something like that.</p> <p>19 Q And we're here on the promotional cases. And 20 they're around the promotions of, I think, sergeants 21 and lieutenants back in November or October of 2017. 22 Do you recall those rounds of promotions?</p> <p>23 A I recall promotions were made. I couldn't 24 tell you what the exact timelines were.</p> <p>25 Q Okay. There was a meeting. What I want to</p>

800.211.DEPO (3376)
EsquireSolutions.com

ANTHONY MONTTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCOJanuary 07, 2022
9-12

<p style="text-align: right;">Page 9</p> <p>1 get to eventually is the meeting that the POA had on</p> <p>2 November 16th, 2017, at the Irish Cultural Center, and</p> <p>3 it was a meeting in which Chief Scott appeared. Do</p> <p>4 you recall that meeting?</p> <p>5 A Yes.</p> <p>6 Q And was that a general membership meeting?</p> <p>7 A Yes.</p> <p>8 Q Do you recall Chief Scott appearing at the</p> <p>9 meeting?</p> <p>10 A Yes.</p> <p>11 Q And were promotions one of the issues that</p> <p>12 was going to be discussed at the meeting?</p> <p>13 A Yes.</p> <p>14 Q At the time of the meeting in November of</p> <p>15 2017, were the promotions a hot topic around the POA</p> <p>16 and members of the POA?</p> <p>17 A Yes.</p> <p>18 Q And why was that?</p> <p>19 A To give a little context, I've never seen a</p> <p>20 promotional process that wasn't emotional or</p> <p>21 controversial on some level. But what was most</p> <p>22 strikingly different about this one was what we would</p> <p>23 call "first-day appointments," meaning the first batch</p> <p>24 of members to get promoted. We've never seen that</p> <p>25 much, I'll call it, jumping around. Typically on what</p>	<p style="text-align: right;">Page 11</p> <p>1 Kelly signed on to the deposition. That's all.</p> <p>2 MR. MULLANAX: Can I take one second? I will be</p> <p>3 right back.</p> <p>4 MR. COWNAN: Let's go off the record.</p> <p>5 (Recess.)</p> <p>6 MR. MULLANAX: And I forgot if I had a question</p> <p>7 pending or not.</p> <p>8 MR. COWNAN: You did not.</p> <p>9 BY MR. MULLANAX:</p> <p>10 Q So did you have any discussions with</p> <p>11 Chief Scott, prior to the POA meeting in November of</p> <p>12 2017, about the promotional issue?</p> <p>13 A Not that I can remember.</p> <p>14 MR. MULLANAX: Now I'm going to show you, I</p> <p>15 guess, what we'll mark as Exhibit 1. I'm going to</p> <p>16 share the screen.</p> <p>17 BY MR. MULLANAX:</p> <p>18 Q Can you see this? I'm going to go to the</p> <p>19 first page of it. Can you see this --</p> <p>20 A Yes.</p> <p>21 Q -- here on the screen? I don't know how</p> <p>22 clear it's showing up on your screen, but it's the</p> <p>23 first three pages of the POA journal from December of</p> <p>24 2017. Do you recognize that as being the case?</p> <p>25 A Yeah. The only thing I see is the front</p>
<p style="text-align: right;">Page 10</p> <p>1 I call first-day appointments, we really have seen</p> <p>2 past chiefs kind of promote people in rank order. So</p> <p>3 let's say you have 50 positions, you would typically</p> <p>4 take the first 50 candidates, barring an exceptional</p> <p>5 reason why somebody should be disqualified, and then</p> <p>6 throughout the life of the list is when you would see</p> <p>7 the chiefs kind of use their discretion to maybe jump</p> <p>8 around a little bit with promotions.</p> <p>9 Q Was that the way it was -- I think the</p> <p>10 predecessor before Chief Scott was Chief Greg Suhr; is</p> <p>11 that correct?</p> <p>12 A Yeah, I think Toney Chaplain was the intern</p> <p>13 chief --</p> <p>14 Q Oh, that's right.</p> <p>15 A -- prior to Bill Scott coming. But Greg Suhr</p> <p>16 was the full-time chief, the regular chief prior to</p> <p>17 his departure around May of 2016.</p> <p>18 Q Now, were the promotions that you just</p> <p>19 described, that you said that had been kind of</p> <p>20 traditionally held, was that the way they were done</p> <p>21 under Chief Suhr?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 MR. COWNAN: I'm just going to interject for the</p> <p>25 record that a couple of questions ago Plaintiff Dan</p>	<p style="text-align: right;">Page 12</p> <p>1 page, which is usually dedicated to the president's</p> <p>2 message.</p> <p>3 Q Right. And then if I scroll down, on page 2,</p> <p>4 it starts the minutes of the membership meeting on</p> <p>5 November 16th of 2017. Can you see that?</p> <p>6 A Yes.</p> <p>7 Q And then I'll just scroll down just so you</p> <p>8 can see the whole exhibit. It goes down to the end of</p> <p>9 page 3. And you can see where it is submitted by Rick</p> <p>10 Andreotti, who was the secretary at the time. Do you</p> <p>11 see that?</p> <p>12 A Yes.</p> <p>13 Q Okay. I'm going go back up to page 2 of the</p> <p>14 thing. And I'm going to zero in on where the minutes</p> <p>15 talk about the presentation by Chief Scott.</p> <p>16 Now, first of all, do you recall, was he</p> <p>17 invited to come to this meeting or did he ask to come</p> <p>18 to this meeting?</p> <p>19 A He was invited.</p> <p>20 Q And does the chief typically appear at the</p> <p>21 general membership meetings of the POA?</p> <p>22 A I wouldn't say it's typical. You know, they</p> <p>23 are invited. It depends on if there's a particular</p> <p>24 issue we want them to discuss, the reason we would do</p> <p>25 that. And chiefs have come to the regular board</p>

ANTHONY MONTTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCOJanuary 07, 2022
13-16

<p style="text-align: right;">Page 13</p> <p>1 meetings, which typically is just smaller and just has</p> <p>2 the board of directors. But the general membership</p> <p>3 meeting allows them to interact with probably the</p> <p>4 largest group of members at a given time, due to the</p> <p>5 fact that it's held in a larger location and is</p> <p>6 usually attended by a good portion of the members.</p> <p>7 Q Okay. And on here, if we scroll down on</p> <p>8 page 2 we see "Promotions." And it says, "Chief Scott</p> <p>9 reminded members that he has an open-door policy for</p> <p>10 anyone who did not get promoted and he stated that the</p> <p>11 Rule of 10 will continue and that not everyone on the</p> <p>12 promotional list will get promotions. More promotions</p> <p>13 will come in the future."</p> <p>14 Do you remember Chief Scott saying this?</p> <p>15 A Something along those lines. And in all</p> <p>16 fairness, that's kind of his standard response when it</p> <p>17 comes to promotions in general. But I do remember him</p> <p>18 saying stuff like that. It reflects in the minutes</p> <p>19 there.</p> <p>20 Q And you've heard him make similar statements</p> <p>21 in other occasions?</p> <p>22 A Yes.</p> <p>23 Q Okay. Then if we go to the last column on</p> <p>24 page 2, it says "President Halloran." Who is</p> <p>25 President Halloran?</p>	<p style="text-align: right;">Page 15</p> <p>1 MR. COWNAN: Just an objection. Vague and</p> <p>2 ambiguous.</p> <p>3 MR. MULLANAX: Okay.</p> <p>4 BY MR. MULLANAX:</p> <p>5 Q You can answer.</p> <p>6 A Yeah, like I said, I don't remember what he</p> <p>7 said verbatim. Like I said, to put things in context,</p> <p>8 you know, this is large general membership meeting.</p> <p>9 You know, we try to do our best to maintain quiet in</p> <p>10 the audience when we have somebody speaking, but when</p> <p>11 the chief made comments, what really caught my</p> <p>12 attention was when he referred to his comments about</p> <p>13 race and gender as being criteria when determining who</p> <p>14 to promote or who not to promote.</p> <p>15 Q What was your reaction to that statement?</p> <p>16 A I was in disbelief. You know, I actually</p> <p>17 looked over at our then general counsel, Greg Adam,</p> <p>18 who was sitting next to me at the table. And we kind</p> <p>19 of looked at each other like, to make sure we heard</p> <p>20 the same thing, because it just really, it caught me</p> <p>21 off guard. And I wanted to kind of confirm with</p> <p>22 somebody else that I just heard what I thought the</p> <p>23 chief said. And by the expression on Greg Adam's</p> <p>24 face, it appeared that we heard the same thing or</p> <p>25 we -- yeah, we pretty much heard the same thing.</p>
<p style="text-align: right;">Page 14</p> <p>1 A He's a retired sergeant inspector, Marty</p> <p>2 Halloran, who was my predecessor.</p> <p>3 Q And so it says, "President Halloran asked the</p> <p>4 chief to explain the Rule of 10 and how he picked one</p> <p>5 promotional candidate over another. Chief Scott</p> <p>6 explained the Rule of 10. In summary, he can look at</p> <p>7 candidates nine above the number of open positions.</p> <p>8 Deputy chiefs reviewed all candidates' secondary</p> <p>9 criteria and determined if a candidate was eligible or</p> <p>10 not eligible for promotion. The chief then looks at</p> <p>11 the needs of the department. He determines the</p> <p>12 diversity of experience, diversity of race, diversity</p> <p>13 of sex, and diversity of culture in determining who he</p> <p>14 selects."</p> <p>15 Now, do you remember the chief making these</p> <p>16 comments?</p> <p>17 A I don't remember him making those comments</p> <p>18 verbatim. What I do remember and what kind of caught</p> <p>19 me off guard was his reference to using race and</p> <p>20 gender as criteria when making selections for</p> <p>21 promotions.</p> <p>22 Q And when you heard the chief say that, was</p> <p>23 that an unambiguous statement that he made about that?</p> <p>24 MR. COWNAN: Vague and ambiguous.</p> <p>25 MR. MULLANAX: I'm sorry?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Did you talk to anybody else that night who</p> <p>2 was at the meeting about this statement that</p> <p>3 Chief Scott made?</p> <p>4 A I don't remember.</p> <p>5 Q I don't know if I can ask you. Did you</p> <p>6 ask -- if he was the POA attorney, I don't know if</p> <p>7 it's a privileged issue. But did you ask him if he</p> <p>8 heard the same thing?</p> <p>9 MR. COWNAN: Rocky, you're on mute.</p> <p>10 MR. LUCIA: Yes, thank you, Peter. I'm going to</p> <p>11 object to that. I'd have to consult with Tony to find</p> <p>12 out what communication he had, what was said, because</p> <p>13 he is general counsel and was general counsel.</p> <p>14 MR. MULLANAX: I'll withdraw the question.</p> <p>15 MR. LUCIA: Okay.</p> <p>16 MR. MULLANAX: I'll just withdraw the question.</p> <p>17 BY MR. MULLANAX:</p> <p>18 Q What did you do after hearing the statement.</p> <p>19 I mean, did you ever contact Chief Scott about it or</p> <p>20 anyone else regarding the statement he made about race</p> <p>21 and gender?</p> <p>22 A You know, I don't remember. You know, I --</p> <p>23 yeah, I would have to speculate, so I don't remember.</p> <p>24 Q I've seen you on a couple of news stories in</p> <p>25 which you stated that you were at the meeting and you</p>

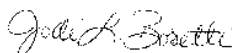
800.211.DEPO (3376)
EsquireSolutions.com

ANTHONY MONTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCOJanuary 07, 2022
17-20

<p style="text-align: right;">Page 17</p> <p>1 heard the chief say that. In your mind, that's a true 2 statement; is that right?</p> <p>3 MR. COWNAN: I'm going to object.</p> <p>4 THE WITNESS: Yes. Oh, sorry, Peter.</p> <p>5 MR. COWNAN: The answer is "Yes." Belatedly I'm 6 going to object to the form of the question to the 7 extent it assumes facts.</p> <p>8 BY MR. MULLANAX:</p> <p>9 Q Okay. Let me ask you this. Do you recall 10 being interviewed by the news media about the 11 promotional process?</p> <p>12 A I believe I was interviewed by several 13 newspapers around the time.</p> <p>14 Q And do you recall telling them that you heard 15 Chief Scott say that he used race and gender in making 16 promotional decisions?</p> <p>17 A Yes.</p> <p>18 Q Okay. You don't recall talking to anybody 19 that night at the meeting about Chief Scott's 20 comments?</p> <p>21 A I don't remember.</p> <p>22 Q Okay. Then I believe later the POA, through 23 their counsel, wrote Chief Scott a letter asking about 24 the promotional process. Did you all start 25 discussions about that or did anything ever flow from</p>	<p style="text-align: right;">Page 19</p> <p>1 chief or his staff about that issue?</p> <p>2 A Yeah, I personally didn't. And, like I said, 3 just to put things into context, you know, it's kind 4 of been the chief's policy that most of those 5 communications would have occurred directly with the 6 president, President Halloran at the time. So I would 7 not have been part of any of those meetings or 8 conversations they had because it's usually kept 9 between those two. And when I succeeded President 10 Halloran, I used to meet with the chief one-on-one 11 every month, just the two of us, nobody else. Those 12 meetings don't happen as often as they could. And now 13 some of those meetings do occur with other executive 14 board members at them, but at that time, that wouldn't 15 have occurred.</p> <p>16 Q At the time we filed this lawsuit, I believe 17 it was in June of 2019, and my understanding is that 18 all of the promotion rounds since then have been 19 basically done in numerical order. Is that your 20 understanding?</p> <p>21 A I would have to go back and look. I do 22 believe that some candidates were still not promoted 23 in rank order, but I would have to go back and check 24 and see if there was anything I was aware of that 25 would disqualify somebody from getting promoted.</p>
<p style="text-align: right;">Page 18</p> <p>1 this, him making these statements regarding 2 promotions?</p> <p>3 MR. LUCIA: I'm going to object only if the 4 question is addressed to him and is trying to elicit 5 responses regarding privileged communications. So if 6 you're asking him for his recollection about 7 communications that wouldn't be privileged, i.e. 8 between him and legal counsel, that's one thing, but I 9 wouldn't want him to be testifying about privileged 10 communications.</p> <p>11 MR. MULLANAX: Actually, what I'm seeking is 12 communications between the POA and Chief Scott or 13 Chief Scott's office.</p> <p>14 MR. LUCIA: Okay.</p> <p>15 THE WITNESS: Could you ask the question again? 16 I'm sorry.</p> <p>17 BY MR. MULLANAX:</p> <p>18 Q Yeah. After the general membership meeting, 19 I believe there was a letter. I think this might have 20 been where the confusion arose. I think POA counsel 21 had written a letter that, as far as I know, was not 22 privileged, but it was written either directly to 23 either DHR or Chief Scott asking about the promotional 24 process in terms of race and gender being used. I was 25 just wondering if you all ever had a dialogue with the</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. MULLANAX: Okay. I think that's all the 2 questions that I have.</p> <p>3 MR. COWNAN: Greg, can you just leave this up?</p> <p>4 MR. MULLANAX: Yes.</p> <p>5 THE REPORTER: Did you want this A or 1, because 6 in the last deposition you marked it A?</p> <p>7 MR. MULLANAX: I guess make it A. (Deposition Exhibit A marked.)</p> <p>9 MR. COWNAN: And, Greg, just for the record, 10 Exhibit A to Mr. Montoya's deposition is the first 11 three pages of the December 2017 POA newsletter, but 12 only the first three pages. It has highlighting that 13 I believe Counsel has added to it.</p> <p>14 MR. MULLANAX: That's correct. And I can remove 15 it if you want me to.</p> <p>16 MR. COWNAN: No, not at all.</p> <p>17 EXAMINATION</p> <p>18 BY MR. COWNAN:</p> <p>19 Q Mr. Montoya, are you okay to continue for a 20 little bit longer?</p> <p>21 A Yes.</p> <p>22 Q You see Exhibit A in front of you, correct?</p> <p>23 A Yes.</p> <p>24 MR. COWNAN: Greg, actually, can you scroll down 25 just a little bit?</p>

800.211.DEPO (3376)
EsquireSolutions.com

ANTHONY MONTOYA Volume 1 Confidential
FREDERICK (RIC) SCHIFF vs SAN FRANCISCOJanuary 07, 2022
37-40

<p>Page 37</p> <p>1 MR. MULLANAX: We're done. 2 MR. COWNAN: Off the record. 3 4 (The deposition concluded at 2:44 p.m.) 5 --oOo-- 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 39</p> <p>1 DEPOSITION ERRATA SHEET 2 3 Our Assignment No. J7782932 4 Case Caption: Schiff vs. City and County of SF 5 6 DECLARATION UNDER PENALTY OF PERJURY 7 8 I declare under penalty of perjury that I 9 have read the entire transcript of my deposition taken 10 in the above-captioned matter or the same has been 11 read to me, and the same is true and accurate, save 12 and except for changes and/or corrections, if any, as 13 indicated by me on the DEPOSITION ERRATA SHEET 14 hereof, with the understanding that I offer these 15 changes as if still under oath. Signed on the _____ 16 day of _____, 20____. 17 18 _____ 19 ANTHONY MONTOYA 20 21 22 23 24 25</p>
<p>Page 38</p> <p>1 REPORTER'S CERTIFICATION 2 3 I, JODI L. BOSETTI, a Certified Shorthand 4 Reporter of the State of California, do hereby 5 certify: 6 That the foregoing proceedings were taken before 7 me at the time and place herein set forth; that any 8 witnesses in the foregoing proceedings, prior to 9 testifying, were duly sworn; that a record of the 10 proceedings was made by me using machine shorthand and 11 later transcribed into typewriting under my direction; 12 that the foregoing is a true record of the testimony 13 and proceedings taken at that time. 14 I further certify that I am not of counsel or 15 attorney for either or any of the parties to said 16 proceedings, nor in any way interested in the outcome 17 of the cause named in said caption. 18 IN WITNESS WHEREOF, I have this date subscribed 19 my name. 20 DATED: January 24, 2022 21 22  23 _____ 24 JODI L. BOSETTI, CSR No. 11316, RPR 25</p>	<p>Page 40</p> <p>1 DEPOSITION ERRATA SHEET 2 3 Page No. _____ Line No. _____ Change 4 to: _____ 5 _____ 6 Reason for 7 change: _____ 8 Page No. _____ Line No. _____ Change 9 to: _____ 10 _____ 11 Reason for 12 change: _____ 13 Page No. _____ Line No. _____ Change 14 to: _____ 15 _____ 16 Reason for 17 change: _____ 18 Page No. _____ Line No. _____ Change 19 to: _____ 20 _____ 21 Reason for 22 change: _____ 23 Page No. _____ Line No. _____ Change 24 to: _____ 25 _____</p>

800.211.DEPO (3376)
EsquireSolutions.com